

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RALPH MILLER,

No. C 02-2118 MJJ (MEJ)

Plaintiff(s),

vs.

**ORDER RE: PLAINTIFF'S EXPERT  
WITNESS REPORTS**

INTERNATIONAL BUSINESS MACHINES, et  
al,

Defendant(s).

Currently pending before the Court is defendant International Business Machines' ("IBM") Renewed Motion to Bar Plaintiff Miller's Expert Witnesses. Doc. #461. Before ruling on IBM's motion, the Court requests clarification from Miller as to his expert reports. On February 6, 2006, the Court ordered Miller to serve amended expert reports that provide the information required under Federal Rule of Civil Procedure 26(a)(2)(B). Doc. #315. As Miller argues that he has complied with the February 6 Order, the Court hereby ORDERS Miller's counsel to file a declaration by May 9, 2006, attesting as to:

- 1) the specific ways in which the experts amended their reports in response to the February 6 Order and how the newly served expert reports differ from those the Court found deficient. Miller's counsel shall not make generalizations; rather, counsel shall state with specificity the amendments the experts made; and

2) any written communications with the retained experts after the February 6 Order regarding requests to amend the expert reports. Counsel shall include any written communications as exhibits; and

3) whether Miller served the expert discovery responses as ordered by the Court on February 6 and April 14, 2006.

The Court reminds Miller that he must submit a chambers copy of the declaration by noon of the next business day after filing and that all exhibits must be appropriately marked and physically attached to the declaration. IBM may, although it need not, file any response by May 11.

**IT IS SO ORDERED.**

Dated: May 3, 2006

  
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MARIA-ELLEN JAMES  
United States Magistrate Judge